

EXHIBIT B

**CONDITIONS OF APPROVAL FOR
HURDLE VESTING TENTATIVE PARCEL MAP SUB2015-00004/CO15-0055**

Approved Project

1. A Vesting Tentative Parcel Map (CO 15-0055) to subdivide an existing 39,248 square foot parcel into four parcels of 6,286, 6,987, 7,017 and 18,949 square feet each for the purpose of sale and/or development.

Access and Improvements

2. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. Orchard Avenue shall be widened to complete the project frontage of an A-2 urban street section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. Theodora Street shall be widened to complete the project frontage of an A-2 urban street section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - c. Frank Court shall be widened to complete the project frontage of an A-2 urban street section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - d. All roadway grading shall be done in accordance with Title 19 and the California Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.
3. The applicant shall show the following restrictions by certificate on the map or by separate document:
 - a. Access shall be denied to Parcel 1 from Orchard Avenue and this shall be by certificate and designation on the map.
 - b. If drainage basins are required then the basin areas shall be indicated as a building restriction on the map.
4. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns reserved as a drainage easement in favor of the owners and assigns.
 - a. The shared storm water treatment facilities for public or common area improvements (if required) as stipulated in the "Private Storm Water Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).

- b. The shared storm drainage basins, inlets, pipes, fences, related landscaping and other appurtenances (if required) for public or common area improvements.

Improvement Plans

- 5. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan to be approved jointly with County Environmental Health (County Health).
 - d. Sewer plan to be approved jointly with County Environmental Health.
 - e. Sedimentation and erosion control plan for subdivision related improvement locations.
 - f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
 - g. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - h. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
 - i. Stormwater Control Plan.
- 6. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
- 7. The Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

- 8. Submit complete drainage calculations to the Department of Public Works for review and approval. Drainage (including run-off from the new curb, gutter and sidewalk) must be retained in a drainage basin on the property. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basin/s is/are to be maintained in perpetuity.
- 9. All project related drainage shall be designed and constructed in accordance with the recommendations of the Nipomo Drainage and Flood Control Study.
- 10. On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Storm Water Control Plan

11. **At the time of application for construction permits**, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Storm Water Management by submitting a Storm Water Control Plan (SWCP) to show what is required to satisfy post construction requirements for storm water treatment. It shall be prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Control Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.
 - a. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own storm water treatment on site but based on the performance requirements determined by the total new or replaced impervious square footage of the subdivision.
 - b. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own storm water treatment on site (and as if it were not a detached single family residence) regardless of its own impervious footprint. It will be required to treat its storm water per the performance requirements determined by the total assumed impervious square footage of the tract.
 - c. Storm Water treatment facilities for public or common area improvements (including those for fronting and interior roadways) shall be constructed with those improvements
 - d. An impervious area ceiling must be determined for each lot and noting that as a building restriction on an Additional Map sheet is required.
 - e. Retention of all site and improvement storm water run-off may exempt this project from storm water control requirements.
12. **At the time of submittal of the improvement plans or construction permits, if necessary**, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.
13. **Prior to approval of the improvement plans or construction permits if necessary**, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Utilities

14. All existing overhead electric power, telephone and cable television transmission and distribution lines fronting or contained within the project boundary shall be relocated underground [21.03.10(h)] and the poles removed.

15. Prior to final map recordation, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
16. New gas distribution mains shall be installed along the entire project frontage(s) and gas service laterals shall be stubbed to each new parcel unless otherwise directed by the gas purveyor.

Fees

17. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the South County Area 1 Road Impact Fee. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of application for building permits.

Parks and Recreation (Quimby) Fees

18. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Inclusionary Housing

19. **Prior to filing the final parcel map or tract map**, the applicant shall enter into an inclusionary housing agreement to ensure the construction of inclusionary housing unit(s), in conformance with Section 22.12.080. As an alternative, the applicant may pay the residential in-lieu fee pursuant to Section 22.12.080.C.2.b, or defer in-lieu fee payment pursuant to Section 22.12.080.J.4.c.

Mitigations

20. **At the time of application for subdivision improvement plans and/or construction permits**, if tree removal cannot be avoided, to avoid potential impacts to nesting birds, tree removal associated with project activities shall be limited outside the bird nesting season, which is February 15th to September 15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist, retained by the applicant, in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance and in consultation with CDFW and/or USFWS. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

Additional Map Sheet

21. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. If a fenced drainage basin is required, that the owner(s) of Parcels 1-4 are responsible for on-going maintenance of drainage basin fencing, in perpetuity.
 - b. If a drainage basin is required, that the owner(s) of Parcels 1-4 are responsible for on-going maintenance of ***drainage basin / adjacent*** landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
 - c. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.
 - d. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - e. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the South County Area 1 Road Impact Fee. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of application for building permits.
 - f. The applicant shall demonstrate that the project construction plans are in conformance with the applicant's Storm Water Control Plan Application.
 - g. For Storm Water management purposes, an impervious area ceiling must be determined for each lot and noted as a building restriction.
 - h. If Necessary, Storm Water treatment facilities shall be maintained and inspected in perpetuity as stipulated in the "Private Storm Water Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).

Air Quality

- i. Fugitive PM10 Mitigation Measures (All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/ grading permit issuance)
 - 1. Reduce the amount of the disturbed area where possible;

2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 3. All dirt stock-pile areas should be sprayed daily as needed;
 4. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- j. Developmental burning of vegetative material within San Luis Obispo County is prohibited. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) **at the time of application for building permits.**
- k. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the County.

Biological Resources

- i. **At the time of application for construction permits**, if tree removal cannot be avoided, to avoid potential impacts to nesting birds, tree removal associated with project activities shall be limited outside the bird nesting season, which is February 15th to September 15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist, retained by the applicant, in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance and in consultation with CDFW and/or USFWS. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

Noise

- m. **At the time of application for construction permits for Parcel 1** (for new residential development or redevelopment of the parcel), plans shall show a minimum front setback of 37 feet from the centerline of Orchard Road in order to avoid the 70db noise contour line.

- n. **At the time of application for construction permits for Parcel 1** (for new residential development or redevelopment of the parcel), the applicant shall show outdoor activity areas for new residential construction that is located between the noise source (Orchard Road) so the residence can act as a sound barrier. If the outdoor activity area cannot be located in this manner, a sound wall or landscaping berm shall be constructed that is of sufficient height that it interrupts the line-of-sight between the noise source and outdoor activity area. The design and materials used for the sound wall or berm shall be reviewed and approved by the Planning and Building Department **prior to issuance of construction permits** and shall include natural materials and colors.
- o. **At the time of application for construction permits**, the applicant shall show on the construction plans the following for noise mitigation:
 - 1. air conditioning or a mechanical ventilation system,
 - 2. windows and sliding glass doors mounted in low air infiltration rate frames, and
 - 3. solid core exterior doors with perimeter weather stripping and threshold shields.

Water

- p. **At the time of application for construction permits**, the applicant shall pay a supplemental water development fee for dwelling unit equivalent similar to that required by County Ordinance for properties located within the Nipomo Mesa Water Conservation Area.
- q. **At the time of application for construction permits**, if the County's supplemental water fee is not adopted and if the Level of Severity III still exists for water resources within the Nipomo Mesa Water Conservation Area, the applicant shall enter into an agreement with the County that the applicant will provide retrofitting within the Nipomo Mesa Water Conservation Area boundary to off-set the additional water useage generated by new development on the parcels. These offsets can be achieved through plumbing retrofits, participation in a turf removal incentive program or participation in an approved program or project administered by the Nipomo Community Services District. Evidence of retrofitting and the estimated amount of water saved through retrofits will be required **prior to permit issuance**.
- r. In order to decrease water demand, **at the time of application for construction permits**, the applicant shall provide the following on the project plans:
 - 1. Plans shall incorporate all feasible low impact design (LID) features.
 - 2. The maximum amount of turf (lawn) area shall not exceed 20% of the site's total irrigated landscape area.
 - 3. Landscaping plans shall include low water using, drought tolerant plant species, preferably plants native to the region.
 - 4. Each parcel's total landscaped area shall not exceed 1,500 square feet.
- s. For the life of the project, as long as a Level of Severity III exists for water resources within the Nipomo Mesa Water Conservation Area, the applicant shall adhere to the following water waste prevention activities:
 - 1. Application of water to outdoor landscapes in a manner that results in runoff into non-irrigated areas, public and private walkways, roadways, parking lots, structures or other hard surface areas.

2. Use of a hose to wash an automobile or other vehicle except where the hose is fitted with an automatic shut off nozzle or device attached to it that causes it to cease dispensing water when not in use.
3. Application of water to hard surfaces, including but not limited to, driveways, sidewalks, unpaved walkways and any other hard surface areas.
4. Use of potable water in a fountain or other decorative water feature unless such water flows through a recirculating system
5. Application of water to outdoor landscape more than 3 times per week

Covenants, Conditions and Restrictions

22. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval and recordation along with the map. The CC&R's shall provide at a minimum the following provisions:
 - a. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
 - b. If a drainage basin is required, on-going maintenance of drainage basin/adjacent landscaping in a viable condition on a continuing basis into perpetuity.
 - c. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

Miscellaneous

23. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
24. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
25. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from the date a time extension request may be acted on.

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING
COMMUNITY WATER AND COMMUNITY SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public water source shall be assured prior to the filing of the final map. A “final will serve” letter shall be obtained and submitted to the Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may not occur for the water well(s) construction, quantity and quality.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by Environmental Health Services.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and Environmental Health Services destruction standards. The applicant is required to obtain a permit from Environmental Health Services.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Code).
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a “final will serve” letter be obtained and submitted to Environmental Health Services for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of the County Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from County Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

12. Prior to submission of the map “check prints” to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be completed prior to recordation of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with the Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.